



Tanya D. Lane
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

James E. Krupinski CCTC
Town Clerk

Commission Guidelines Subcommittee
Special Meeting Minutes
Newington Town Hall, Conference Room L-100
April 1, 2019 at 6:00 P.M.

1) Call to Order

Councilor Anest called the meeting to order.

2) Attendance

- Councilor Anest
- Council Budrejko
- Councilor Serra
- James E. Krupinski, Staff Liaison

3) Public Participation

- None

4) Old Business

a. Discuss proposed changes to the "Information and Guidelines for Committees, Boards and Commission" Booklet

- Councilor Anest indicted that the committee was meeting to review issues that were brought up during the Town Council meeting.
- Councilor Budrejko reviewed some language she had found to outline regarding excused absences as follows:

Excused absences shall be defined as those which meet both of the following requirements:

- *The absent member informed the BCC chair of their intended absence prior to the scheduled meeting (unless extenuating circumstances prevent advance notice), and*
- *The absence is due to circumstances such as death in the family, family or personal illness, accident, scheduled vacations, business commitment or other unusual or unforeseen circumstances.*
- Councilor Anest suggested the language fit best in Section 4.4.

- Councilor Anest reviewed changes that were made during the previous meeting in sections 2.1.5 – Resignation –removed info; 3.1 – Elections-added language; Page 5 3.3 - Secretary & Other Members (this may be covered in the commission language); Page 6 4.4 – Attendance – additional language to be added; Page 11 4.11 - Minutes of Meetings-moved under relevant topic area.
- Discussion on defacto appointment process and existing charter language.

- ***Discussion took place regarding conduct of commissioners. Added Section 2.3 Proper Official Conduct: Members***

The professional and personal conduct, mocking of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.

- Also relabeled 2.4 Proper Official Conduct: Ethics, 2.5 Proper Official Conduct: Social Media
- Discussion took place regarding section 4.14 Public Recording of Meetings. Changed title to Public/BCC Recording of Meetings. 14.2 & 14.3 added BCC member to the language. Read email into the record from Tom Hennick, Public Information Officer about recording of meetings. Following sections were updated as follows.
 - 4.14.2 *Any member of the public or BCC member has a right to make an audio or video recording of an open session of a public meeting as long as the recording does not interfere with the meeting.*
 - 4.14.3 *Any member of the public or BCC member wishing to record a meeting must first notify the public and is expected to comply with reasonable requirements established by the chair so that said recording does not interfere with the meeting.*
- Future discussion during upcoming Town Council meeting to suggest limiting electronic devices on the table during meetings.
-

5) New Business

- a. Referral of “Information and Guidelines for Committees, Boards and Commission” Booklet to the Town Attorney for review.

- Councilor Serra, seconded by Councilor Budrejko moved to refer the Boards Guidelines Booklet to the Town Attorney for review. Motion carried unanimously 3-0

6) Approval of Minutes

a. November 26, 2018 Special Meeting Minutes

- Councilor Serra, seconded by Councilor Budrejko moved to approve the Special Meeting Minutes of November 26, 2018. Motion carried unanimously 3-0

7) Public Participation

- None

8) Committee Remarks

- None

9) Adjournment

- Councilor Budrejko, seconded by Councilor Serra moved a motion to adjourn. Motion carried unanimously 3-0
- Meeting adjourned at 6:54 P.M.



James E. Krupinski
Acting Recording Secretary

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1. INTRODUCTION

Boards, Committees, and Commission members have a critical role in the Town of Newington. They serve as a conduit for citizen input, gathering, analyzing and recommending options to the Town Council, which is the final authority for making policy decisions. Any citizen can come before any Board, Committee or Commission of the town to offer an opinion or make a suggestion for the betterment of the community as a whole. The individuals who serve on the Commissions are respected and appreciated volunteers in the community. Your dedication to improving the Town by serving is what makes Newington a great place to live.

1.1. Purpose

The purpose of this booklet is to assist the many boards, committees, and commissions (**collectively referred to throughout this document as BCC's**) of the Town in functioning effectively and in a manner consistent with all applicable laws. It provides a brief description of procedures, and also provides details about important state statutes, such as the Freedom of Information Act and Code of Ordinances. This booklet merely provides guidance on important legal procedures, and is not intend to amend, supersede or supplement existing law. The statutes and regulations of the State of Connecticut contain the full range of legal obligations of committee members and local officials and should there be any question or ambiguity in interpreting this booklet, the advice of the Town Manager and Town Attorney should be sought.

1.2. Familiarity with the Town Charter

All members should familiarize themselves with the Town Charter and the Annual Town Report for information regarding BCC's. All members should review each set of laws that pertain to the particular BCC on which they sit. The Charter is the organic law of the Town. It functions for the Town as constitutions do for the State and Federal Governments. It lays out the basic structure of Town Government and apportions powers and duties to officials and agencies. In addition, it specifies important procedures, especially pertaining to Town finances and personnel practices. Citizens appointed to committees for the first time are well advised to begin their familiarization with a reading of the Charter to understand the functioning of Town Government. Copies may be obtained from the Town Clerk.

2. FORMATION OF BCC's and MEMBERSHIP

The duties and responsibilities of your BCC may be derived from one or more of four official documents or "source laws." The Town Plan and Zoning Commission, the Zoning Board of Appeals, Library Directors, Board of Assessment Appeals, Board of Parks and Recreation, the Development Commission and Conservation Commission, are specifically provided for in the Charter. In addition, there are some BCC's that also derive their powers and duties from the **Connecticut General Statutes**. Matters relating to Municipalities can be found in Title 7 in the Connecticut General Statutes; Planning and Zoning in Title 8; and Taxation matters regarding the Board of Assessment Appeals are in Title 12 and the Newington Town Charter §C-604.

Certain committees are created by local ordinances passed by the Town Council. Their powers and duties may be found in the **Newington Code of Ordinances**. The Code is available for reference at the Town Clerk's office, the Lucy Robbins Welles Library or the Town website. Some of these may also have Connecticut General Statutes which apply to their responsibilities and procedures.

Some committees are created by resolution of the Council. These are usually study committees or task forces and their powers and duties originate from the resolutions which created them or amendments to those resolutions. The source of your committee's official grant of powers and responsibilities will be included in your appointment packet.

The BCC shall act as a body and no member shall act on behalf of the BCC unless authorized by the committee.

Members of all BCC's, upon their appointment, agree to the following responsibilities during their term of office. They shall:

- Demonstrate respect, fairness, consideration, and courtesy to others.
- Respect the authority of the chair.
- Prepare in advance of meetings and be familiar with issues on the agenda.
- Be respectful of other people's time, stay focused and act efficiently during meetings.
- Serve as a model of leadership and inspire public confidence in Town government.
- Act and speak with honesty and integrity.
- Be wary of conflicts of interest, and seek advice when appropriate.

2.1. Newly Formed BCC's

2.1.1. BCC Formation

The appointing authority of the BCC is the Newington Town Council. If your BCC is newly created, the Town Manager or the Town Clerk will call for the first official meeting. The Agenda will include, but not limited to:

- 1) Election of officers;
- 2) Review of the BCC's charge;
- 3) Discussion of BCC's goals;
- 4) Discussion of FOI requirements;
- 5) Discussion of the Code of Ethics;
- 5) Setting future meeting dates; and
- 6) Public Participation (See Section 4.10).

2.1.2. BCC Nomination Procedure

Individuals seeking appointment are directed to contact the Chairperson and/or the Nominating Chairperson of their political party.

2.1.3. Appointment

The goal of the appointing authorities is to appoint qualified and interested individuals who are broadly representative of the Town and the Town's interests. The appointing authorities take into consideration all relevant factors in making representative selections. Ad hoc and special committees may include nonresidents or ex-officio members when the appointing authority deems it in the best interest of the committee and the Town. The appointee receives written notification of appointment and the term of office from the Council Secretary.

2.1.3.1. Regular Members

Regular members are nominated by their respective parties and confirmed by the Town Council. Any member may request reappointment as outlined below in Section 2.1.4.

2.1.3.2. Alternate Members

Some BCC's officially have alternate members whose positions are established by law. Official alternate members may vote and may be counted as a quorum when they are seated as a full member, by the chairperson or their designee.

2.1.3.3. Ex Officio Members

If there are Ex Officio members of the committee, they hold their position by virtue of their official capacity. That capacity may be as an elected Town official, as an administrator, as a member of another BCC or as a representative of a local club or organization, etc. Ex officio members do not have the right to vote unless the source law states that they do.

2.1.4. Reappointment

Reappointment is based on an evaluation by the appointing authority of the contributing individual to the BCC, the desirability of widespread involvement, and the changing needs of the BCC and the Town. A member is under no obligation to accept reappointment nor is the appointing authority obligated to offer reappointment. If, at the conclusion of a term, there is no action on a reappointment, the particular member of the BCC should contact the appointing authority to request their reappointment.

The Newington Town Charter specifically allows for members of seven (7) specific commissions, outlined in the Town Charter §C-611, to continue to serve, if he/she chooses to do so, until the reappointing authority acts. These members are as follows:

- Town Plan and Zoning Commission
- Zoning Board of Appeals
- Library Trustees
- Board of Assessment Appeals
- Board of Parks and Recreation
- Development Commission, and
- Conservation/Inland Wetlands Commission.

2.1.5. Resignation

A member who is no longer able to serve or who no longer desires to serve should supply a resignation promptly so that the vacancy may be filled. A written resignation shall be submitted to the Town Clerk, with a copy to the Political Party Chairperson and the Staff Liaison. Resignations are not official and will not be acted upon by the Town Council until the Town Clerk receives the Letter of Resignation. Resignations by digital means will not be accepted.

2.1.6. Removals or Terminations

In rare circumstances, the Town Council may ask for a member's resignation, or if necessary, terminate the appointment in accordance with the Newington Town Charter §C-412. Also, the failure to attend at least 75% of posted meetings for the calendar year may be grounds for removal. Adoption of a Resolution and, written notification to the BCC member will be given by the appointing authority in the event of such action.

2.2. Committee Orientation

2.2.1. Swearing In

Before commencing your service, it is required that you be "sworn in." The Town Clerk will perform this function any business day between 8:30 a.m. and 4:30 p.m. Occasionally BCC's are sworn in as a group, but usually individual members take their oath by appearing at the Town Clerk's office. You may not participate in your BCC's activities until you are sworn in. At this time, the Town Clerk will present you with the following information to review:

- a. Ethics Packet & Disclosure Form;
- b. BCC Booklet;
- c. Acknowledgment Form indicating you have reviewed the supplied information; and
- d. Authorizing Legislation for your BCC.
- e. Bylaws/Rules of Procedures for _____

Within thirty (30) days of election or appointment, all new BCC members shall review the information provided and shall sign the BCC Acknowledgement Form and return this form to the Office of the Town Clerk, indicating they have received and read the information provided.

2.3. Proper Official Conduct: Members

The professional and personal conduct, mocking of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the staff or public.

2.4. Proper Official Conduct: Ethics

The Town of Newington has adopted a Code of Ethics, Chapter 32, of the Code of Ordinances, which deals with the requirement of ethical conduct and certain disclosures by its officials. Members of BCC's are, by definition, "officials" of the Town, so you are required to become familiar with it. The laws regarding conflict of interest are complex and any BCC member or local official should seek proper advice before acting in a manner that may cause a potential liability to the Town.

2.5. Proper Official Conduct: Social Media

The Town of Newington depends upon an environment of tolerance and respect for the achievement of its goals in serving the citizens of the Town. In that spirit, public comments in any forum, that contain racial slurs, express bigotry toward a group based on their race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification may be considered conduct unbecoming a Town official and may constitute good cause for removal for any appointed or elected official.

3. OFFICERS

3.1. Elections

BCC's usually elect a chairperson, vice-chairperson and for some BCC's, a secretary. The officers are normally elected by the members of the BCC at its first meeting, and either annually or bi-annually thereafter. In some instances the chairperson is designated by the appointing authority or enabling legislation. Election

of officers shall be by open nomination. It shall be the responsibility of the chairperson to notify the Town Clerk of changes in officers.

3.2. Chairperson/Vice-Chairperson

The chairperson presides at all meetings and makes official communications on behalf of the BCC. The chairperson is not an administrative official with directive or operating authority. The chairperson has the same rights as other members to offer resolutions, make or second motions, discuss questions, and should vote on all actions before the BCC, unless a conflict exists.

Responsibilities of the Chairperson

- Consult with the staff liaison in drafting the meeting agenda.
- Attend Town Council meetings as needed to represent the Commission.
- Make the public feel welcome at meetings.
- Keep discussions orderly, focused, efficient, impersonal, and fair.
- Monitor attendance of commission members and take action as necessary, pursuant to Section 4.4.

Responsibilities of the Vice Chairperson are to substitute for the Chairperson as needed.

3.3. Staff Assistance/Clerical Help

If the Town Council has not made arrangements for a staff liaison and/or clerical assistance, the BCC should contact the Town Manager's office. Staff Liaisons/clerical shall assist the BCC by:

- Attending all meetings.
- Preparing agendas in conjunction with the Chair.
- Providing background and context on agenda items.
- Offering professional expertise and recommendations about an issue and alert the BCC of possible detrimental actions.
- Interpreting codes, ordinances, policies and other regulations.
- Ensuring that motions and minutes reflect the intent of the BCC.

4. MEETINGS

4.1. Freedom of Information Requirements (FOI)

All local public officials and agencies in Connecticut are subject to the State's Freedom of Information Act (Connecticut General Statutes, Chapter 14). All members, new or experienced, are required to become current with the basics of this law. If any member of a BCC has further questions on the FOI Act, they should contact the Town Manager or the Town Attorney for further information.

The most important provisions of the law pertain to the need and timing for proper meeting notices (normally 24 hours, posted in the Town Clerk's office), the filing of minutes and the holding of open meetings. Executive sessions are restricted to the following reasons:

1. Personnel;
2. Strategy & negotiations regarding claims & litigation;
3. Security matters;
4. Real Estate; and
5. Matters that would disclose exempted public records.

A summary of important provisions of the Freedom of Information Act is attached in Appendix A of this booklet. Also see Section 4.2 below.

4.2. Executive Session

A committee may meet in executive session only for the purposes listed below:

- (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting;
- (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled;
- (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security;
- (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; and
- (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of Section 1-210.

Please note, most committees will generally be permitted to avail themselves to a very limited number of the above-cited reasons to enter into executive session. In the instances where a committee has concerns regarding the application of the executive session privileges, they should seek guidance from the Town Manager or Town Attorney prior to the specific meeting.

4.3. Meetings Subject to the Freedom of Information Act

All meetings of a BCC, that do not fall within the exceptions listed above in Section 4.2, must be open to the public and accessible.

4.4. Attendance

The Town Council's official policy is that members and alternates of BCC's must attend at least 75% of all posted meetings of the BCC, for the calendar year. The chairperson of each BCC is required by the Town Council to submit a bi-annual report of the attendance of all members, on a form provided by the Town Manager's office, and made part of the BCC's record.

If you are unable to attend the meeting you **MUST** notify the Chairperson prior to the start of the meeting. If members of the committee are not attending regularly, the chairperson should discuss this matter immediately with the individual. If discussions do not produce improvement, the Town Council will take action in accordance with the Newington Town Charter §C-412.

Excused absences shall be defined as those which meet both of the following requirements:

- a) The absent member informed the BCC chair of their intended absence prior to the scheduled meeting (unless extenuating circumstances prevent advance notice), and

- b) The absence is due to circumstances such as death in the family, family or personal illness, accident, scheduled vacations, business commitment or other unusual or unforeseen circumstances.

4.5. Meeting Quorums

No meeting of a BCC may be held unless a quorum is present. A quorum is 51% of the membership or a larger number of members as set forth in the BCC rules, by-laws or authorizing statutes. No unofficial (i.e. "off-the-record") meetings are allowed. The Freedom of Information law prohibits them (see Section 4.1).

4.6. Annual Organizational Meeting

The Annual Organizational Meeting Agenda for established BCC's should include:

- A. Election of Officers;
- B. Meeting Dates;
- C. Review of the FOI Act (Section 4.1); and
- D. Review of the Code of Ethics.

4.7. Agenda Posting

All meeting agendas (regular or special) shall be filed with the Office of the Town Clerk for posting on the Agenda board and the Town website.

The following information shall be included in every meeting posting:

- The name of the public body that is meeting.
- The date and time of the meeting.
- Where the meeting is being held (location, room, address).
- Any topics that are reasonably expected to be discussed at the meeting in sufficient details to reasonably advise the public of the general issues to be discussed, provided however, that if a topic was not reasonably expected at the time of posting, it may be discussed at the meeting.
- Any revisions to the posting should be made as soon as possible prior to the meeting.

This is **required** no less than 24 hours prior to the meeting.

Any committee member may have an item placed on the agenda by notifying the committee chairperson or the staff liaison assigned to serve the committee. If the committee does not have rules of procedure which prohibit it, items may be added to the agenda at the meeting itself, by a 2/3 vote of those present and voting. (See Appendix B - HIGHLIGHTS OF THE CONNECTICUT FREEDOM OF INFORMATION ACT, "Public Meetings," Item III.)

Type	Notice/Meeting Dates	Agenda/Notice Contents	Adding to Agenda/Notice
Regular	Regular Meeting dates shall be filed yearly with the Town Clerk no later than Jan 31 st .	Agenda available no later than 24 hrs. prior to meeting.	Agenda items may be added by a 2/3 vote of members present and voting.
Special	At least 24 hrs. before the meeting in the Town Clerk's office (excluding weekends & holidays).*	At least 24 hrs. before the meeting. Time, place and all business to be conducted must be listed on the Agenda.*	NOT PERMITTED
Emergency	None required, IF emergency is justified.	None required, IF emergency is justified.	ONLY the emergency matter may be considered.
* Filed with the Town Clerk and MUST be posted on the Town website. (CGS. §1-225)			

4.8. Meeting Room Availability

BCC's have the choices of the following meeting rooms in the Town Hall and must contact the Town Manager's Office for availability. 860-665-8510:

- (1) Donald McKay Conference Room 1;
- (2) Bicentennial Room Conference Room 2;
- (3) Auditorium (Old Council Chambers);
- (4) Conference Room L-100;
- (5) Council Chambers Room L-101 (E. Curtis Ambler Meeting Room);

To reserve the Helen Nelson Meeting Room you must contact the Superintendent's Office for availability. 860-665-8610

Rooms are also available at the Joseph P. Doyle Community Complex and Lucy Robbins Wells Library. Reservations may be made through the office of the Director of the Senior and Disabled Center at 860-665-8778 or the office of the Library Director at 860-665-8728.

There are some priority assignments for Town Hall meeting rooms. The Board of Education has priority with respect to the Helen Nelson Meeting Room. Conference Room L-101 is permanently assigned on the 2nd and 4th Tuesday of each month to the Town Council, 2nd and 4th Wednesday of each month to the Town Plan and Zoning Commission, the 1st Thursday of the month to the Zoning Board of Appeals, and the 3rd Tuesday of to the month to the Conservation Commission. The Town Council has priority with respect to use of all meeting rooms, with the exception of the Helen Nelson Room.

BCC meetings must be held in a public building unless the meeting involves a tour or field trip.

4.9. Meeting Times

All BCC's should schedule times for meetings which allow participation by all members. Meeting schedules should take into account the adopted list of Town Observed Holidays when scheduling meetings.

Each board, commission or committee must file, by January 31 of each year, a schedule of regular meetings for the ensuing year. The filing is made with the Town

Clerk by the chairperson or staff liaison. Newly created committees must file a schedule of regular meetings for the balance of the calendar year as soon as possible after their organization. Calling a special meeting shall be governed by the Town Council Rules of Procedure, as revised.

4.10. Public Participation

It is the Town Council's policy that all Town agencies maximize the opportunity for public participation. If the BCC does not have rules of procedure (see [Section 4.12](#)) which specify conditions of public participation, then, time should be scheduled at the beginning and end of each meeting. An individual may not disrupt a meeting of a BCC and the chairperson shall instruct any individual or group of individuals who are disrupting a meeting to be silent. If after clear warning a person continues to be disruptive, the chairperson shall order the person to leave the meeting. Failure to abide by any such order may warrant police involvement at the request of the BCC.

Members should conduct themselves at public meetings in a manner that is fair, understanding, and gracious. Members should be considerate of all interests, attitudes, and differences of opinion. They should also take care to observe the appearance as well as the principle of impartiality.

4.11. Minutes of Meetings

All BCC's shall create and maintain accurate minutes of all meetings.

Minutes are not intended to be a transcript of the meeting, but rather an accurate recording of the meeting topics discussed and actions taken by the BCC. The minutes must:

- State the date, time, (location, room, address);
- List all members present and all members absent;
- Summarize each topic discussed by the BCC;
- Clearly state all motions made; and
- Include a record of any actions or votes taken by the BCC.

It is required that there will be an audio recording of all public meetings. A Digital recorder is available in the Town Clerk's Office. A tape recorder is available for use from the office of the Town Manager or the Superintendent of Schools. The BCC rules, by-laws or statutes will indicate if the minutes should be detailed or in summary. If the BCC is unable to record the meeting, the minutes should be provided in enough detail to indicate the substance of what discussions and actions took place.

Minutes must be signed by the secretary or clerk, and one copy must be filed with the Town Clerk within seven (7) calendar days after the meeting. All motions must be filed within forty-eight (48) hours and specify how each member voted. Each member of the BCC, the Town Council's liaison(s) and pertinent Town staff personnel should be provided with copies of minutes as soon as they have been completed. BCC members are responsible for reviewing the previous meeting minutes prior to adoption.

Type	Filing of Record of Votes	Filing Minutes
Regular	Within 48 hrs. after meeting (if minutes are not completed within 48 hrs.).	Within 7 calendar days AFTER the meeting.
Special	Within 48 hrs. after meeting (if minutes are not completed within 48 hrs.).	Within 7 business days AFTER the meeting.
Emergency	Within 48 hrs. after meeting (if minutes are not completed within 48 hrs.).	Within 72 hrs. AFTER the meeting (excluding weekends & holidays). Minutes must state the reason for the Emergency.

(CGS. §1-225)

4.12. Rules of Procedure

Formal Rules of Procedure are required for BCC's. Any BCC not having rules shall be governed by the Town Council Rules of Procedure, as revised.

4.13. Meeting Schedule

BCC's should not meet on holidays observed by Town government, or other recognized holidays that may warrant observance.

4.14. Public/BCC Members Recording of Meetings

- 4.14.1.** The chair must inform all present that the meeting is being recorded.
- 4.14.2.** Any member of the public or BCC member has a right to make an audio or video recording of an open session of a public meeting as long as the recording does not interfere with the meeting.
- 4.14.3.** Any member of the public or BCC member wishing to record a meeting must first notify the public and is expected to comply with reasonable requirements established by the chair so that said recording does not interfere with the meeting.
- 4.14.4.** The Chairman may prohibit such recording if it's reasonably found to be disruptive to the meeting.

5. LEGAL AND PROCEDURAL ADVICE

5.1. Town Attorney

Under the Charter, §C-303, the Town Attorney is the legal advisor to all Town agencies. To obtain the Town Attorney's advice, the committee chairperson or the staff liaison assigned to the BCC, should call the Town Attorney directly.

5.2. Legal Opinions

Requests for formal legal opinions shall be made in writing by the chairperson or the staff liaison assigned to the BCC. Formal written requests to the Town Attorney must include a copy to the Town Manager. All Town Attorney Legal Opinions must be in writing, supplied to the BCC and filed in the Town Clerk's office, excluding privileged opinions requested during Executive Sessions, until made public.

5.3. Procedural Advice

Information on procedures not covered in these guidelines may be obtained by contacting the Town Manager's Office.

5.4. **Liability**

The Town of Newington carries public official liability insurance. Should you or your BCC be sued for actions taken on behalf of the Town, you will be indemnified by the Town through this policy and the Town will provide legal representation. You are cautioned that **ultravires** acts (arbitrary abuses of authority or other acts outside of the scope of one's official duties) are not necessarily covered, especially if the act is willful or wanton. Questions of legal authority should be taken up with the Town Attorney to avoid such exposure.

6. **COMMUNICATIONS**

Any oral or written communication through any medium, including **electronic mail** or **social media**, between or among any committee member on any public business within the BCC's jurisdiction is considered deliberation and thus subject to the Freedom of Information Act.

Distribution of the following information and materials outside of a meeting is not considered deliberation so long as the material or information does not express any opinions of a committee member:

- Meeting agendas
- Scheduling or procedural information
- Reports or documents that will be discussed at the meeting

7. **BUDGETS**

7.1. **BCC Budgets**

In general, an individual BCC does not have a budget unless one is authorized by the Town Council at the time of its formation. If a BCC anticipates a need to expend funds, it can request a budget for the next fiscal year through the Town Manager; or, if funds are needed during a fiscal year, it can make a request to the Town Manager or, appointing body for a transfer from available funds.

7.2. **Expenses**

Before a BCC member incurs expenses connected with their assignment, they must obtain approval by their chairperson and staff liaison.

8. **REPORTING PROCEDURES**

8.1. **Consultation with Appointing Authority**

If the BCC wishes to consult with its appointing authority, they should contact the Town Manager's office to schedule a meeting.

8.2. **BCC Reports**

The Town Council, may from time to time, request a BCC to provide updates, reports or completed projects for acceptance.

8.3. **Annual Town Report**

All appointed committees should file an annual report of committee activities for the Annual Town Report. The chair or other designated member should detail committee membership, including changes, and a one-to three-paragraph explanation of major accomplishments and future plans. A request for committee reports is issued each year, and are due in the Town Manager's Office no later than the last business day in September of each year regardless of notice.

9. SOURCES OF INFORMATION

“Information and Guidelines for Committees, Boards and Commissions”, Town of Newington, Revised 1993.

Town of Newington, Code of Ethics, Chapter 32.

Town of Newington, Town Charter, Approved November 6, 2012 and Effective December 6, 2012.

Connecticut General Statutes:

- Title 1, Chapter 14, Freedom of Information Act.
- Title 7, Municipalities.
- Title 8, Zoning, Planning, Housing and Economic and Community Development.
- Title 12, Taxation

APPENDIX A

Definitions

BCC - any appointed or elected board, commission, council, authority, committee or sub-committee created by the Town of Newington.

By-Laws – A set of rules adopted to outline the powers and duties of its members.

Code of Ethics – A written set of guidelines issued by an organization to its workers and management to help them conduct their actions in accordance with its primary values and ethical standards.

Code of Ordinances – A “living” document of all laws, rules or regulations adopted by the elected governing body of a municipality.

Freedom of Information Act – Enacted in 1975, is a series of laws that guarantee the public access to public records of governmental bodies in Connecticut.

Jurisdiction – The area of responsibility covered by a particular BCC appointed or elected by the town.

Meeting – a deliberation by any BCC or subcommittee thereof where it is intended that the body will have a discussion on any matter within the body’s jurisdiction.

Meeting Types

Regular Meeting – A meeting held based upon an adopted annual schedule of meetings to discuss and take action upon specific noticed items.

Special Meeting – A meeting held which has not been previously noticed to discuss and take action on a specific item or items.

Emergency – a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

Executive Session – A session which is closed to the general public to discuss specific topics that may disclose privileged information. (See Section 4.2 & Appendix B)

Member Types – Makeup of the membership of appointed or elected BCC’s.

Regular Member – Member of a BCC who was nominated by their respective parties and confirmed by the Town Council.

Alternate Member – A member of a BCC, who during the absence of a regular member, shall act in the place and stead of such member and perform such duties as that member.

Ex-Officio Member – A member who hold their position by virtue of their office and their official capacity.

Defacto Member – A member authorized to continue in their office until reappointed or replaced by the appointing authority.

Public Participation – Seeks and facilitates the involvement of those potentially affected by or interested in a decision. This can be in relation to individuals, governments, institutions, companies or any other entities that affect public interests. The principle of public participation holds that those who are affected by a decision have a right to be involved in the decision-making process. Public participation implies that the public's contribution will influence the decision.

Quorum – Is 51% of the membership or a larger number of members as set forth in the BCC rules, by-laws or authorizing statutes.

Staff Liaison – An individual assigned to assist a BCC in the performance of its statutory

duties.

Town Attorney – An individual or Firm elected or appointed to represent a municipal government.

Town Charter – A legal document establishing a municipality such as a city or town. A charter in effect delegates powers to the citizens for the purpose of local self-government.

Town Council – The elected governing body of the Town of Newington.

Town Manager – An official appointed to direct the administration of the town government.

APPENDIX B
HIGHLIGHTS OF THE CONNECTICUT
FREEDOM OF INFORMATION ACT

(Be sure to consult Connecticut General Statutes §1-200-259)

PUBLIC AGENCIES

I. THE PUBLIC HAS THE RIGHT TO OBTAIN RECORDS AND ATTEND MEETINGS OF ALL PUBLIC AGENCIES WITH CERTAIN LIMITED EXCEPTIONS.

- State and local government agencies, departments, institutions, boards, commissions and authorities and their committees.
- Executive, administrative or legislative offices, and the judicial branch and the Division of Criminal Justice with respect to their administrative functions.
- Certain other entities based on the following criteria: (1) whether the entity performs a governmental function; (2) the level of government funding; (3) the extent of government involvement or regulation; and (4) whether the entity was created by the government.

PUBLIC MEETINGS

I. MEETINGS, INCLUDING HEARINGS AND OTHER PROCEEDINGS, MUST BE OPEN TO THE PUBLIC – EXCEPT IN LIMITED SITUATIONS.

- A public meeting is any hearing or other proceeding of a public agency, or gathering of or communication by or to a quorum of a multi-member agency, to discuss or act upon any matter over which it has authority.
- The following are not public meetings: meetings of certain personnel search committees; collective bargaining strategy and negotiating sessions; caucuses; chance or social gatherings not intended to relate to official business; administrative or staff meetings of a single-member agency (e.g., mayor); and communications limited to notice of agency meetings or their agendas.
- No registration or other requirements may be imposed on a member of the public seeking attendance at a public meeting.
- The public, as well as the news media, may photograph, record or broadcast meetings, subject to prior reasonable rules regarding non-interference with the conduct of the meeting.

II. ONLY THREE KINDS OF MEETINGS ARE RECOGNIZED UNDER THE FREEDOM OF INFORMATION ACT: REGULAR, SPECIAL AND EMERGENCY.

- A state agency must file each year a schedule of its regular meetings with the Secretary of the State. A town or city agency must file each year a schedule of its regular meetings with the clerk of the town or city. A multi-town district or agency must file each year a schedule of its regular meetings with the clerk of each municipal member of the district or agency. A special meeting may be called up to 24 hours (excluding weekends, holidays, and days on which the office of the Secretary of the State or municipal clerk, as the case may be, is closed) before the time set for the meeting. A special meeting is called by filing a notice stating the time, place and business to be transacted.
- A state agency files this notice with the Secretary of the State; a local agency files this notice with the municipal clerk; a multi-town district or agency files this notice with the clerk of each municipal member of the district or agency.
- An emergency meeting may be held without complying with the preceding notice requirements. However, the agency must file its minutes, including the reason for the emergency, within 72 hours (excluding weekends and holidays) of the meeting with the Secretary of the State if a state agency; or with the municipal clerk if a local agency; or with the clerk of each municipal member if a multi-town district or agency.

III. YOU ARE ENTITLED TO RECEIVE A COPY OF THE NOTICE AND AGENDA OF A MEETING.

- An agency is required to send a notice of its meetings, where practicable at least 1 week prior to the meeting date, to any person who has made a written request. The agency may establish a reasonable charge for this service.
- Each agency must make available its agenda for each regular meeting at least 24 hours before the meeting to which it refers. New business not on the agenda may be considered and acted on only on a 2/3 vote of the members of the agency.

IV. AGENCY MINUTES AND RECORD OF VOTES MUST BE AVAILABLE TO THE PUBLIC.

- The minutes of each agency meeting must be made available to the public within 7 days of the session to which they refer in the agency's office if it has one; or, if none, in the office of the Secretary of the State for state agencies or in the municipal clerk's office for local agencies. In the case of special meetings, the 7 day period excludes weekends and holidays. The minutes must contain the record of each member's vote on any issue before the agency.
- The votes of each member on any issue must be put in writing and made available to the public within 48 hours, excluding weekends and holidays, of the meeting at which the votes were taken.
- The minutes of a meeting at which an executive session occurs must indicate all persons who were in attendance at the closed session, except for job applicants who were interviewed.

V. CONDUCT OF MEETINGS

- In the event that any meeting of a public agency is interrupted by any person or group of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meetings, the members of the agency conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Duly accredited representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit such public agency from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the meeting.

EXECUTIVE SESSION

I. AN AGENCY MAY CLOSE TO THE PUBLIC CERTAIN PORTIONS OF MEETINGS BY A VOTE OF 2/3 OF THE MEMBERS PRESENT AND VOTING. THIS VOTE MUST BE CONDUCTED AT A PUBLIC SESSION.

- Meetings to discuss the following matters may be closed: specific employees (unless the employee concerned requests that the discussions be open to the public); strategy and negotiations regarding pending claims and litigation; security matters; real estate acquisition (if openness might increase price); or any matter that would result in the disclosure of a public record exempted from the disclosure requirements for public records.
- Any business or discussion in a closed session must be limited to the above areas.
- The agency may invite persons to present testimony or opinions in an executive session, but their attendance must be limited to only the time necessary for that testimony or opinion.

PUBLIC RECORDS

I. MOST RECORDS OR FILES OF STATE AND LOCAL AGENCIES, INCLUDING MINUTES OF ALL THEIR MEETINGS, ARE AVAILABLE TO THE PUBLIC FOR INSPECTION OR COPYING.

- This includes information or data which is typed, handwritten, tape recorded, printed, photographed or computer-stored.
- Most inter-agency and intra-agency memoranda or letters.

II. RECORDS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL LAW OR STATE STATUTE ARE NOT AVAILABLE TO THE PUBLIC.

- In addition, the following records may not be available to the public:

some preliminary drafts or notes; personnel or medical files; certain law enforcement records, including arrest records of juveniles and some witness and victim identification information; records relating to pending claims and litigation; trade secrets and certain commercial or financial information; test questions used to administer licensing, employment or academic examinations; real estate appraisals and construction contracts until all of the property has been acquired; personal financial data required by a licensing agency; records relating to collective bargaining; tax returns and communications privileged by the attorney-client relationship; names and addresses of public school students; information obtained by illegal means; certain investigation records of reported misconduct in state government or names of state employees who report such misconduct to the state Attorney General or Auditors; certain adoption records; election, primary, referenda and town meeting petition pages, until certified; certain health authority complaints and records; certain educational records; certain records, when there are reasonable grounds to believe disclosure may result in a safety risk; and certain records, if disclosure would compromise the security or integrity of an information technology system. Also, records of personnel search committees need not be disclosed if they would identify executive level employment candidates without their consent.

III. YOU MAY INSPECT PUBLIC RECORDS DURING REGULAR OFFICE HOURS, BUT COPIES, PRINT- OUTS OR TRANSCRIPTS SHOULD BE REQUESTED IN WRITING.

- The fee for a copy of a public record from a state agency must not exceed 25¢ per page. The fee for a copy of a public record from a non-state agency must not exceed 50¢ per page. The fee for a computer disk, tape, printout or for a transcript, or a copy thereof, must not exceed the actual cost to the agency involved. The agency may also require the prepayment of these fees if their estimated cost is \$10.00 or more. No sales tax may be imposed for copies of the public records requested under this Act.
- The agency is required to waive any fee for copies if the person requesting the copies is poor and cannot afford it; or if the agency determines that the request benefits the public welfare.
- There is an additional charge for a certified copy of a public record.
- You are entitled to prompt access to inspect or copy public records. If an agency fails to respond to a request within four business days, such failure can be treated as a denial of the request.

<http://ct.gov/foi>